

RECEIVED
CENTRAL FAX CENTER

MAR 03 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: U.S. Patent Application of Serge DOUCET et al.

Serial No.: 10/665,138 Group Art Unit: 2828
Filed: September 18, 2003 Examiner: Marcia A. GOLUB
For: MULTI-WAVELENGTH LASER SOURCE

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir/Madam:

In response to the Office Action dated February 10, 2006, Applicants hereby elect the claims of Group 3 (claims 6, 7, 8, 9) in addition to the claims considered to be generic by the examiner (claims 1-3, 15-22, 28-34 and 37) for prosecution in the subject application, with traverse.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Date: March 3, 2006

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office to (571)-273-8300

Signature

William R. Evans
(type or print name of person certifying)

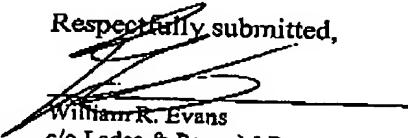
10/665,138

Patent
Attorney Docket No.: U 14823-0

The traversal is on the grounds that the Examiner has failed to establish that a search of the different species identified by the Examiner would be an undue burden as required by MPEP 803. MPEP 803 states: “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” The Applicant submits that jointly searching the subject matter of group 1 (claim 4), group 2 (claim 5), group 3 (claims 6, 7, 8, 9), group 4 (claims 10-11), group 5 (claim 12), group 6 (claim 13) and group 7 (claim 14), pertaining to various types of gratings, would not be a serious burden to the examiner. It is Applicants’ position that the Examiner has failed to establish that a search of the different species constitutes an undue burden. Therefore, it is respectfully requested that claims 1-22, 28-34 and 37 be searched and examined.

In accordance with this election with traverse, applicants reserve all rights in the non-elected claims, including the right to file one or more divisional applications covering the subject matter thereof.

Respectfully submitted,


William R. Evans
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 25858
Tel. No. (212) 708-1930